

103D CONGRESS  
1ST SESSION

# H. R. 296

To amend the Outer Continental Shelf Lands Act.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. PANETTA introduced the following bill; which was referred jointly to the  
Committee on Natural Resources and Merchant Marine and Fisheries

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## A BILL

To amend the Outer Continental Shelf Lands Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONGRESSIONAL DECLARATION OF POLICY.**

4 Section 3(3) of the Outer Continental Shelf Lands  
5 Act (43 U.S.C. 1332(3)) is amended by striking “expedi-  
6 tious and”.

7 **SEC. 2. ADMINISTRATION OF LEASING.**

8 Section 5(a)(2) of the Outer Continental Shelf Lands  
9 Act (43 U.S.C. 1334(a)(2)) is amended—

10 (1) by amending subparagraph (A) to read as  
11 follows:

1 “(A) that such cancellation shall occur if the  
2 Secretary determines, after a hearing, that—

3 “(i) activity pursuant to such lease or per-  
4 mit has resulted in serious harm or damage or  
5 poses a serious threat of serious harm or dam-  
6 age to life (including fish and other aquatic  
7 life), to property, to any mineral (in areas  
8 leased or not leased), to the national security or  
9 defense, or to the marine, coastal, or human en-  
10 vironment; and

11 “(ii) the environmental or other resources  
12 harmed or placed at risk as described in clause  
13 (i) are of substantial value;”;  
14 (2) in subparagraph (B) by—

15 (A) inserting “or pursuant to an Act of  
16 Congress” after “Secretary”; and

17 (B) striking “five years” and inserting  
18 “one year”; and

19 (3) in subparagraph (C) by striking “such com-  
20 pensation as he shows” and inserting “such com-  
21 pensation (in the form of currency, forgiveness of  
22 the lessee’s obligation to pay rents or royalties on  
23 another lease issued pursuant to this Act, or credits  
24 against bonus payments for future lease purchases  
25 pursuant to this Act) as the lessee shows”.

1 **SEC. 3. OUTER CONTINENTAL SHELF LEASING PROGRAM.**

2 Section 18(c)(2) of the Outer Continental Shelf  
3 Lands Act (43 U.S.C. 1344(c)(2)) is amended in the third  
4 sentence by striking “reply in writing” and all that follows  
5 through the end of the sentence and inserting “in writing  
6 grant the request or, if the Secretary finds, on the record  
7 after notice and an opportunity for a hearing, that the  
8 request was based on a material error of fact or that the  
9 Governor acted arbitrarily and capriciously in making the  
10 request, deny the request in whole or in part or grant the  
11 request in such modified form as the Secretary finds to  
12 be necessary to conform to the policy stated in section 3  
13 of this Act.”.

14 **SEC. 4. COORDINATION AND CONSULTATION WITH AF-**  
15 **FECTED STATE AND LOCAL GOVERNMENTS.**

16 (a) DETERMINATION OF NATIONAL INTEREST.—The  
17 second sentence of section 19(c) of the Outer Continental  
18 Shelf Lands Act (43 U.S.C. 1345(c)) is amended to read  
19 as follows: “For purposes of this subsection, the national  
20 interest shall be determined by application of a balancing  
21 process that gives equal weight to obtaining oil and gas  
22 supplies and to protection of the environment, and that  
23 permits the consideration of other factors.”.

24 (b) FINALITY OF ACCEPTANCE OR REJECTION OF  
25 RECOMMENDATIONS.—Section 19(d) of the Outer Con-

1 tinal Shelf Lands Act (43 U.S.C. 1345(d)) is amended  
2 to read as follows:

3 “(d) The Secretary shall accept a Governor’s rec-  
4 ommendations as providing a reasonable balance between  
5 the national interest and the well-being of the citizens of  
6 the affected State unless the Secretary finds, on the record  
7 after notice and opportunity for a hearing, that the rec-  
8 ommendations were based on a material error of fact or  
9 that the Governor acted arbitrarily and capriciously in  
10 making the recommendations.”.

11 **SEC. 5. ENVIRONMENTAL STUDIES.**

12 Section 20(a)(2) of the Outer Continental Shelf  
13 Lands Act (43 U.S.C. 1346(a)(2)) is amended by adding  
14 at the end thereof the following new sentence: “Each study  
15 required by paragraph (1) of this subsection shall be com-  
16 pleted, subjected to peer review by at least 3 qualified sci-  
17 entists not employed or compensated by the Secretary or  
18 any other interested party, and published, not later than  
19 180 days before the date on which the lease sale is an-  
20 nounced.”.

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